United Nations S/2003/771

Security Council

Distr.: General
29 July 2003

Original: English

Draft resolution

The Security Council,

Recalling all its relevant resolutions, in particular resolution 1462 (2003) of 30 January 2003,

Having considered the report of the Secretary-General of 21 July 2003 (S/2003/751),

Recalling the conclusions of the Lisbon (S/1997/57, annex) and Istanbul summits of the Organization for Security and Cooperation in Europe (OSCE) regarding the situation in Abkhazia, Georgia,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Deploring that the perpetrators of the shooting down of a helicopter of the United Nations Observer Mission in Georgia (UNOMIG) on 8 October 2001, which resulted in the death of nine people on board, have still not been identified,

Stressing that the continued lack of progress on key issues of a comprehensive settlement of the conflict in Abkhazia, Georgia, is unacceptable,

Welcoming, however, the positive momentum given to the United Nations-led peace process by the two high-level meetings of the Group of Friends in Geneva and the subsequent meeting of the Presidents of Georgia and the Russian Federation in Sochi,

Welcoming also the important contributions made by UNOMIG and the Collective Peacekeeping Forces of the Commonwealth of Independent States (CIS peacekeeping force) in stabilizing the situation in the zone of conflict, and *stressing* its attachment to the close cooperation existing between them in the performance of their respective mandates,

1. *Welcomes* the report of the Secretary-General of 21 July 2003 (S/2003/751);

2. *Reaffirms* the commitment of all Member States to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders, and the necessity to define the status of Abkhazia within the State of Georgia in strict accordance with these principles;

3. *Commends and strongly supports* the sustained efforts of the Secretary-General and his Special Representative, with the assistance of the Russian Federation in its capacity as facilitator as well as of the Group of Friends of the Secretary-General and of the OSCE, to promote the stabilization of the situation and the achievement of a comprehensive political settlement, which must include a settlement of the political status of Abkhazia within the State of Georgia;

4. *Stresses*, in particular, its strong support for the document on "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and for its letter of transmittal, finalized by, and with the full support of, all members of the Group of Friends;

5. *Deeply regrets* the continued refusal of the Abkhaz side to agree to a discussion on the substance of this document, again *strongly urges* the Abkhaz side to receive the document and its transmittal letter, *urges* both parties thereafter to give them full and open consideration, and to engage in constructive negotiations on their substance, and *urges* those having influence with the parties to promote this outcome;

6. *Regrets* the lack of progress on the initiation of political status negotiations, and *recalls*, once again, that the purpose of these documents is to facilitate meaningful negotiations between the parties, under the leadership of the United Nations, on the status of Abkhazia within the State of Georgia, and is not an attempt to impose or dictate any specific solution to the parties;

7. *Underlines further* that the process of negotiation leading to a lasting political settlement acceptable to both sides will require concessions from both sides;

8. *Welcomes* the convening of two meetings of senior representatives of the Group of Friends in Geneva and *particularly welcomes* the participation in a positive spirit of representatives of the two parties at the second meeting;

9. *Welcomes also* the identification in the first Geneva meeting of three sets of issues as key to advancing the peace process (economic cooperation, the return of internally displaced persons and refugees, political and security matters) and the following work on the substance of those issues, including in bilateral working groups by Russia and Georgia as agreed by the two Presidents in their meeting in Sochi in March 2003, and also in the initial high-level meeting of the parties on 15 July 2003, chaired by the Special Representative of the Secretary-General and with the participation of the Group of Friends;

10. *Further welcomes* the commitment of the parties to continue their dialogue on economic cooperation, refugee returns as well as political and security matters regularly and in a structured manner and their agreement to join the Group of Friends again towards the end of the year to review progress and explore future steps and *encourages* them to act upon that commitment;

11. *Calls on* the parties to spare no efforts to overcome their ongoing mutual mistrust;

12. *Calls again* on the parties to ensure the necessary revitalization of the peace process in all its major aspects, including their work in the Coordinating Council and its relevant mechanisms, to build on the results of the Yalta meeting on confidence-building measures in March 2001 (S/2001/242), to implement the

proposals agreed on that occasion in a purposeful and cooperative manner, and to consider holding a fourth conference on confidence-building measures;

13. *Reminds* all concerned to refrain from any action that might impede the peace process;

14. *Stresses* the urgent need for progress on the question of the refugees and internally displaced persons, *calls on* both sides to display a genuine commitment to make returns the focus of special attention and to undertake this task in close coordination with UNOMIG and consultations with UNHCR and the Group of Friends and recalls the understanding in Sochi by Georgia and the Russian Federation that the reopening of the Sochi-Tbilisi railway will be undertaken in parallel with the return of refugees and displaced persons, starting in the Gali district, *reaffirms* the unacceptability of the demographic changes resulting from the conflict, *reaffirms also* the inalienable right of all refugees and IDPs affected by the conflict to return to their homes in secure and dignified conditions, in accordance with international law and as set out in the Quadripartite Agreement of 4 April 1994 (S/1994/397, annex II) and the Yalta Declaration;

15. *Recalls* that the Abkhaz side bears a particular responsibility to protect the returnees and to facilitate the return of the remaining displaced population, and *requests* further measures to be undertaken inter alia by the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees and the Office for the Coordination of Humanitarian Affairs to create conditions conducive to the return of refugees and internally displaced persons, including through quick-impact projects, to develop their skills and to increase their self-reliance, with full respect for their inalienable right to return to their homes in secure and dignified conditions;

16. *Welcomes* the positive consideration by the parties given to the recommendations of the joint assessment mission to the Gali district, *urges them* once again to implement those recommendations and in particular *calls upon* the Abkhaz side to agree to the opening as soon as possible of the Gali branch of the human rights office in Sukhumi and to provide security conditions for its unhindered functioning;

17. *Endorses* the recommendations by the Secretary-General in his report of 21 July 2003 (S/2003/751, para. 30) that a civilian police component of 20 officers be added to UNOMIG, to strengthen its capacity to carry out its mandate and in particular contribute to the creation of conditions conducive to the safe and dignified return of internally displaced persons and refugees, and *welcomes* the commitment of the parties to implement the recommendations by the security assessment mission of October to December 2002;

18. *Calls* in particular on the Abkhaz side to improve law enforcement involving the local population and to address the lack of instruction in their mother tongue for the ethnic Georgian population;

19. *Condemns* any violations of the provisions of the Moscow Agreement of 14 May 1994 on a Ceasefire and Separation of Forces (S/1994/583, annex I);

20. *Calls on* both parties publicly to dissociate themselves from militant rhetoric and demonstrations of support for military options and for the activities of

illegal armed groups, and encourages the Georgian side in particular to continue its efforts to put an end to the activities of illegal armed groups;

21. *Welcomes* the relative calm in the Kodori Valley and the intention reaffirmed by the parties to resolve the situation peacefully, recalls its strong support to the protocol signed by the two sides on 2 April 2002 regarding the situation in the Kodori Valley, calls on both sides, and in particular the Georgian side, to continue to fully implement this protocol, and recognizes the legitimate security concerns of the civilian populations in the area, calls on the political leaders in Tbilisi and Sukhumi to observe security agreements, and calls on both sides to spare no efforts to agree to a mutually acceptable arrangement for security of the population in, and in the vicinity of, the Kodori Valley;

22. *Strongly condemns*, however, the abduction of four UNOMIG personnel of 5 June 2003, which is the sixth hostage taking since the establishment of the mission, *deeply deplores* that none of the perpetrators have ever been identified or brought to justice and *supports* the Secretary-General's call that this impunity must end;

23. *Welcomes* the additional safeguards for helicopter flights instituted in response to the shooting down of a UNOMIG helicopter on 8 October 2001, *calls*, once again, on the parties to take all necessary steps to identify those responsible for the incident, to bring them to justice, and to inform the Special Representative on the implementation of these steps;

24. *Calls on* the Georgian side to continue to improve security for joint UNOMIG and CIS peacekeeping force patrols in the Kodori Valley to enable them to monitor the situation independently and regularly;

25. *Underlines* that it is the primary responsibility of both sides to provide appropriate security and to ensure the freedom of movement of UNOMIG, the CIS peacekeeping force and other international personnel;

26. *Welcomes* the constant review by UNOMIG of its security arrangements in order to ensure the highest possible level of security for its staff;

27. *Decides* to extend the mandate of UNOMIG for a new period terminating on 31 January 2004, subject to a review as appropriate of its mandate by the Council in the event of changes in the mandate of the CIS peacekeeping force;

28. *Requests* the Secretary-General to continue to keep the Council regularly informed and to report three months from the date of the adoption of this resolution on the situation in Abkhazia, Georgia;

29. *Decides* to remain actively seized of the matter.